

## CHAPTER 91: ANIMALS

Section

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## DOGS

### 91.01 LICENSE REQUIREMENTS.

It shall be unlawful for any individual to keep upon their property any more than two dogs, unless, and except if, they have obtained the appropriate zoning and/or kennel licenses required.

### 91.02 PROVISIONAL TOWN DOG TAX.

(A) Whereas I.C. 15-5-9-17 permits a town to impose an annual tax on dogs of up to \$2, the tax of \$2 is hereby provisionally imposed and shall be levied and collected as follows.

(1) The town dog tax is abated and shall not be levied on any dog which, during any given calendar year, is so kept and controlled that it does not become subject to impoundment under the provisions of 91.03 of this chapter.

(2) The town dog tax is not abated and shall apply to, be levied on, and collected in the case of any dog which is impounded during the calendar year pursuant to 91.03. The owner of the dog is liable for the tax, and it shall be paid by or on behalf of the owner and collected by the Clerk-Treasurer at the time fees and cost for recovery of the impounded dog are paid on the first occasion during the year that the dog is impounded. The Clerk-Treasurer shall provide a dated receipt showing payment of the tax and including the township dog tax tag number of the dog where one is required, or other identifying description if the dog is not required to have a township tag. If the owner or

agent does not recover the dog within ten days of impoundment, the Clerk-Treasurer shall serve or send notice to the owner that the town dog tax is levied and owing, and it is a penal violation of this section to fail to pay the tax within ten days of the date when the notice is issued, and each day of delinquency is a separate offense. An owner is liable for the tax only once during a calendar year; however, if the dog is sold or given to a new owner, the new owner is liable, notwithstanding the fact that the prior owner may have been assessed the tax on a previous occasion during the same year.

(B) Provisional town dog tax revenues shall be deposited in the General Fund and credited to a town dog tax account, and the monies therein shall be used to defray the costs incurred by the town to enforce this chapter and related state laws governing dog control. The town dog tax is separate from and in addition to any township dog tax, recovery charges, or other enforcement costs which may also be owing.

(1991 Code 91.02) (Ord. 69-3, passed 4-30-1969' Am. Ord. 83-16, passed 11-7-1983)

**Editor's note:**

I.C. 15-5-9 was repealed by P.L. 162-2006

### **91.03 DUTY OF TOWN MARSHAL TO IMPOUND.**

- (A) (1) It is the duty of the Town Marshal to cause the impoundment of any dog which:
- a. Is found to be running at large in that it is not upon its home premises, confined to other premises or a vehicle, or in the immediate occupancy of a human custodian, in violation of I.C. 15-5-9-13;
  - b. Is found to be required by I.C. 15-5-9-1 *et seq.* to have a dog tag and is not wearing a current and valid township dog tax tag;
  - c. Is found not to have a current vaccination against rabies as required by I.C. 35-46-3-1; and/or
  - d. Bites a person, unless the name and address if the dog's owner is immediately ascertained.
- (2) The above actions shall also be deemed unlawful.  
(Am. Ord. 01-01, passed 1-8-2001)

(B) An impounded dog shall be taken and kept in the nearest and most convenient municipal or county pound, and shall only be released upon the written authorization of the Town Marshal as hereafter provided. However, the enforcement officer is authorized to kill, by the safest and most humane means available, any dangerous, vicious, or ferocious dog which cannot be captured by ordinary means.

(C) (1991 Code 91.01) (Ord. 69-3, passed 4-30-1969; Am. Ord. 83-16, passed 11-7-1983) Penalty, see 91.99

**Editor's note:**

I.C.15-5-9 was repealed by P.L. 162-2006

#### **91.04 RELEASE OF IMPOUNDED DOG.**

- (A) Not later than three days after the impounding of any dog whose owner or keeper is known, the Town Marshal shall notify the owner or keeper by ordinary mail, unless the owner or keeper was present at the time of the impoundment or has since made inquiry and been informed. The owner or keeper shall be advised of the procedure and requirements for recovery of the dog. To recover the dog, the owner or keeper must obtain a written release from the Town Marshal.
- (B) Release shall only be given if the person seeking to recover the dogs gives satisfactory evidence:
  - (1) Of his or her identity and right to take possession of the dog;
  - (2) The following fees and costs have been paid to the town Clerk-Treasurer:
    - (a) Five dollars for the costs of picking up the dog;
    - (b) Ten dollars for the costs of transporting the dog if the dog was taken to a pound outside the corporate limits of the town; and/or
    - (c) Two dollars housing/boarding fee for each day or portion thereof that the dog has been kept impounded, but only \$0.25 per day (or the maximum per diem fee then permitted by I.C. 15-5-9-14) shall be assessed if the only cause for impoundment was failure to have a township dog tax tag.
  - (3) The provisional town dog tax tag has been paid, either then or previously during the year, as provided by 91.02 (A)(2);
  - (4) The township dog tax has been paid if one of the grounds for impoundment was under 91.03 (A)(1)(b); and
  - (5) A release has been obtained from the County Health Officer if one of the grounds for impoundment was under 91.03(A) (1) (c) or (A) (1) (d). (1991 Code, 91.03) (Ord. 69-3, passed 4-30-1969; Am. Ord. 83-16, passed 11-7-1983)

***Editor's note:***

*I.C. 15-5-9 was repealed by P.L. 162-2006*

#### **91.05 DISPOSITION OF UNCLAIMED DOG; SUIT FOR COSTS.**

- (A) If an impounded dog is not claimed and recovered within 20 days of its impoundment in accordance with 91.04, the following alternative dispositions may be made of the dog.
  - (1) It may be possessed by and released to any person over 18 years of age upon payment of the fees and costs set forth in 91.04(B)(2).
  - (2) If it appears to be a valuable dog by virtue of breeding or special training, it may be possessed by the town and sold as provided by I.C. 15-5-9-14, and the proceeds shall be applied against any impoundment charges owed to the town, with any residue deposited in the General Fund.
  - (3) It shall be kept under impoundment for an additional period of time if so ordered by the County Health Officer, the State Veterinarian, or a court, and may be kept for an additional period of time at the

discretion of the Town Marshal if it appears the owner or keeper wishes and intends to recover the dog but is prevented from doing so within the 20-day period because of unusual circumstances.

(4) It may be humanely destroyed.

(B) The town attorney may bring civil action on behalf of the town and against the owner or other person liable for an unrecovered impounded dog to recover any costs to the town incurred in connection with the impoundment or destruction of the dog and not recovered from any other means. The attorney is further authorized to recover the costs of any action, including attorney's fees, by this ordinance.

(Am. Ord. 01-01, passed 1-8-2001)

(1991 Code 91.04) (Ord. 69-3, passed 4-30-1969; Am. Ord. 83-16, passed 11-7-1983)

***Editor's note:***

*I.C. 15-5-9 was repealed by P.L. 162-2006*

## **FARM ANIMALS**

### **91.15 ZONING REQUIREMENTS.**

It shall be unlawful for any person to harbor or keep upon their property within the confines of the Civil Town of Rome City, Indiana, any livestock or poultry, unless the area has been zoned in an appropriate manner.

(Ord. 01-01, passed 1-8-2001)

### **91.99 PENALTY.**

Incident to any violation of this chapter and/or state law, the enforcement officer shall cite or charge the owner or other person liable for any violation. The fine shall be in an amount not less the \$25 nor more than \$300 for each offense. If any person does not pay the fines upon notice by any enforcement officer of the Town of Rome City, Indiana, the Town Attorney shall be hereby authorized to pursue legal action against the individual and, in addition to collection of any fine levied, recover the costs of the action, including, but not limited to, reasonable attorney fees.

(1991 Code, 91.99) (Ord. 69-3, passed 4-30-1969; Am. Ord. 83-16, passed 11-7-1983; Am. Ord. 01-01, passed 1-8-2001)